

**I IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re: CYNERGY DATA, LLC, <i>et al.</i> , ¹ Debtors.	Chapter 11 Case No. 09- <u>13038</u> (KG) Jointly Administered Related Docket No. 15
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**ORDER GRANTING APPLICATION FOR ORDER PURSUANT TO
11 U.S.C. §§ 327(a) AND 329 AND BANKRUPTCY RULES 2014 AND 2016
AUTHORIZING THE EMPLOYMENT AND RETENTION OF
NIXON PEABODY LLP AS COUNSEL FOR THE DEBTORS**

Upon the Application of the above-referenced debtors and debtors-in-possession (the "Debtors"), for an order, pursuant to § 327(a) of title 11, United States Code (the "Bankruptcy Code"), authorizing the Debtors to employ and retain Nixon Peabody LLP as its counsel, *munc pro tunc* to the Petition Date (the "Application"); and upon the affidavit of Dennis J. Drebsky, Esq., a shareholder of the firm, (the "Drebsky Affidavit") and annexed to such Application; and it appearing that the Court has jurisdiction to consider the Application; and it appearing that Nixon Peabody LLP is a "disinterested" person within the meaning of § 101(14) and 327(a) of the Bankruptcy Code; and that the relief requested in the Application is in the best interests of the Debtors, their creditors, and all parties-in-interest; and it appearing that due and appropriate notice of the Application has been given under the circumstances; and it appearing that no other or further notice need be given; and upon the Application and all of the proceedings before the Court; and after due deliberation; and sufficient cause appearing therefor, it is

¹ The Debtors are the following entities (with the last four digits of their federal tax identification numbers in parentheses): Cynergy Data, LLC (8677); Cynergy Data Holdings, Inc. (8208); Cynergy Prosperity Plus, LLC (4265). The mailing address for the Debtors is 30-30 47th Avenue, 9th Floor, Long Island City, New York 11101.

ORDERED, that the Application is granted; and it is further

ORDERED, that in accordance with § 327(a) of the Bankruptcy Code, the Debtors be, and hereby are, authorized to employ and retain Nixon Peabody LLP as their counsel as of the Petition Date to perform all of the services set forth in the Application, on the terms set forth in the Application and in the Drebsky Affidavit; and it is further

ORDERED, that the compensation to be paid Nixon Peabody LLP for professional services rendered and expenses incurred shall be as determined by this Court upon proper application therefor pursuant to §§ 330 and 331 of the Bankruptcy Code and the Federal Rules of Bankruptcy Procedure or as otherwise prescribed by any Order of this Court setting forth the procedures for the payment of professionals in this case.

Dated: Wilmington, Delaware

Sept. 15, 2009



UNITED STATES BANKRUPTCY JUDGE